December 6, 2021

Mr. Tim Elliott  
Washington Department of Agriculture (WSDA)  
P.O. Box 42560  
Olympia, WA 98504-2650

Re: Draft Rule Language Electric Vehicle Supply Equipment (EVSE) Regulations Chapter 19.94 RCW by SSB 5192

Dear Mr. Elliot,

ChargePoint offers the following comments on the Rulemaking for SSB 5192 regarding electric vehicle supply equipment (EVSE) regulations. We appreciate staff’s efforts to engage stakeholders through workshops this fall.

ChargePoint is the world’s largest electric vehicle (EV) charging network providing scalable solutions for every charging scenario from home and multifamily to workplace, parking, hospitality, retail and transport fleets of all types. Our customers include major employers, municipalities, schools, utilities, commercial center owners, hotels, and parking garage owners and operators to small convenience businesses that provide EV charging to EV drivers.

While there is a robust and growing suite of EVSE technologies and use case scenarios today, we need to ensure that successor technologies and new business models have an opportunity to compete to drive further scale and industry growth.

Below are our responses to the draft EVSE Regulations concerning 1) Compliance dates 2) Payment methods 3) Interoperability requirements.

**WAC 16-662-200 EVSE Compliance Dates**

ChargePoint appreciates and supports WSDA proposed compliance dates for WAC 16-662-210 and 16-662-215. ChargePoint notes that some parts of 16-662-210 and 16-662-215 will require operational changes on the part of charging providers and the vendors that charging providers rely on for certain services. The effective date of these draft regulations for newly installed
equipment of Jan 1, 2024 will provide the industry with much needed time to adjust and comply with these new regulations.

For equipment installed before 12/31/23, we believe the proposed compliance dates for this new regulation provides sufficient time for existing EV charging stations to comply or alternatively aligns with the expected useful life of most EVSEs. ChargePoint has two recommendations for WSDA.

First, ChargePoint requests that WSDA allow for the use of a digital label available on the user interface (screen) located on the EVSE. Allowing for information needed by the inspector to be visible on the user interface can be an efficient way to ensure networks can provide the information needed from WSDA. By allowing both a digital label and a physical label to be used, WSDA can permit EV charging networks to efficiently provide the information needed without the need to visit every site for the sole purpose of placing a label on equipment.

Second, ChargePoint suggests that rather than label products that are currently in the field, the more efficient and useful path for labeling would be to apply the labeling requirements to EV chargers installed after a certain date, rather than before. It is more efficient for companies to prepare to label equipment installed after 1/1/24 rather than conducting field visits to label equipment already installed.

Below, ChargePoint has provided redline edits to capture the first of our recommendations.

(1) Any electric vehicle supply equipment that is eligible for a delayed compliance date based on installation date must be clearly marked by either a physical label or a digital label on the EVSE user interface with the installation date in a place and manner easily seen by an inspector and the public. If no label is found by the inspector, current requirements may be enforced as if the electric vehicle supply equipment was installed after the installation date associated with delayed compliance.

(2) All publicly available vehicle supply equipment subject to WAC 16-662-210 and 16-662-215 must be in compliance with the requirements by the following dates:

(a) Direct current fast chargers and Level 2 electric vehicle supply equipment installed on or before Dec. 31, 2023 must be in compliance by Jan 1, 2034.

(b) Direct current fast charger and Level 2 electric vehicle supply equipment installed on or after Jan 1, 2024 must be in compliance at the time of installation.

WAC 16-662-210 EVSE Payment Methods
ChargePoint supports this flexible and technology-neutral compliance pathway WSDA has provided in these draft rules. This technology-neutral approach for payment technology requirements is critical to the rapidly changing nature of this space. This allows site hosts flexibility to meet the needs of EV drivers. EV drivers will be able to use a range of options that suit their needs such as:

- Radio frequency identification (RFID) cards
- Tap-to-charge, which involves an app for payment through membership
- Payment using EMV contactless, Visa, Mastercard or AMEX credit or debit cards
- Payment through a secure 1-800 number support lines operated by the EV charging network
- A third-party app linked to a credit or debit card or bank account (e.g. Apple, Android, Pay) otherwise known as “digital wallet”
- Payment through third-party network with roaming agreement.

WAC 16-662-210 1(c)
ChargePoint believes that several constraints in the language in WAC 16-662-210 1(c) should be removed. As stated, this section is intended to allow a user to use a mobile phone or device to be able to pay for a charging session. However, it appears to also prohibit options that require a download or a sign-in function. These two restrictions are problematic.
First, while some payment apps are standard on a phone or device, ex. Apple Pay and Google Pay, other payment apps that are readily available and could be preferred by EV drivers including, but not limited to, Samsung Pay, PayPal, and apps from EV charging providers are not. WSDA should not limit this compliance pathway to digital payment methods that come standard on a user’s phone or mobile device.

Second, the language appears to prohibit phone and mobile payment devices used in this compliance pathway from requiring a sign-in. Requiring a sign-in is an important security feature that should not be prohibited.

WAC 16-662-210 (2)
ChargePoint appreciates a flexible compliance pathway for providing EV drivers as means to conduct a charging session in languages other than English. ChargePoint understands that communities can be home to a wide range of spoken languages. Fortunately, technology provides charging providers with wide range solutions to assist EV drivers in conducting charging sessions in languages other than English. ChargePoint suggests removing the phrase “at the unit” to all for app-based and telephone-based assistance for language support. By providing these options, charging providers will be able to service a wider range of languages in Washington.

ChargePoint’s suggested edits to Draft WAC 16-662-210

(1) All publicly available electric vehicle supply equipment subject to RCW 19.94.565 must have accommodations on or in each unit or kiosk located on site, used to service the electric vehicle supply equipment, for accepting a minimum of three of the following payment methods. At least one payment
method must include payment by charge card (debit, credit, and pre-paid) by use of the card number or magnetic strip.

(a) Toll free number or built-in call button with the option to initiate a charging session at any time that electric vehicle supply equipment is operational and publicly available;
(b) Credit card reader device including either one or a combination of a magnetic strip, EMV chip, or contactless;
(c) A mobile payment option without the requirement to download an app or sign in;
   (i) For the purpose of this section, “mobile payment” means an electric fund transfer initiated through a mobile phone or device.
(d) Acceptance of a range of mobile wallets directly at the electric vehicle supply equipment or kiosk;
(e) RFID card or device that:
   (i) Does not require a minimum balance;
   (ii) Does not have fees on the balance; and
   (iii) Is compatible with any applicable interoperability out-of-network agreements the electric vehicle service provider has.
(f) Other methods that are formally requested as an alternative payment method and approved by the Director prior to their use as a payment method under this section.
   (i) Alternative payment method must be for the benefit of the public, convenient, and reasonably support access for current or future users;
   (ii) Approved alternative methods will be posted on the department’s website and will be an allowed alternative to all electric vehicle service providers;
(2) The electric vehicle supply equipment must provide means for conducting a charging session in languages other than English.
   (a) The electric vehicle service provider shall consider the demographics of the area in which the unit will be installed, and the languages most commonly spoken in that location, when determining the alternative languages to offer at the unit.
(3) Electric vehicle service providers may not require a subscription, membership or account or a minimum balance on an account in order to initiate a charging session at electric vehicle supply equipment units.

WAC 16-662 215 Interoperability requirements related to EVSE
ChargePoint does not believe it is prudent for States to mandate any software protocols that have not been approved by international or national standards organizations such as ANSI or ISO/IEC. Currently, no nationally or internationally recognized bodies have adopted or approved any standards for communication between an EV charging station and an EV charging network. Accordingly, it is premature for WSDA to adopt these standards in rules. Adopting standards prematurely, could actually be harmful to Washington state businesses investing in electric vehicle infrastructure.
1) All publicly available electric vehicle supply equipment subject to RCW 19.94.570 must be in compliance with the following interoperability requirements:

   (a) To facilitate payments across networks the electric vehicle service provider shall, at a minimum, maintain Open Charge Point Interface (OCPI) version 2.1.1 or 2.2 standards on every networked electric vehicle supply equipment for roaming payments at publicly available Level 2 and direct current fast chargers.

   (b) To protect Washington state businesses investing in electric vehicle infrastructure, all publicly available networked electric vehicle service equipment sold or supplied in the state shall be capable of using Open Charge Point Protocol (OCP) version 1.6 or 2.0.1 standards.

Conclusion

ChargePoint thanks WSDA for the opportunity to comment on these draft regulations. Please let us know if you have any questions on the issues raised in these comments or on other topics in this rulemaking.

Sincerely,

Cesar Diaz
Senior Manager, Public Policy
ChargePoint